



Washington State Department of Agriculture News Release

For immediate release: Aug. 6, 2003 (03-35)
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WASHINGTON STATE DEPARTMENT OF AGRICULTURE
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Agriculture Department reports 2nd quarter fines and suspensions for pesticide violations

OLYMPIA – During the second quarter of 2003, the state Department of Agriculture (WSDA) issued fines totaling \$5,990 against eight individuals for violating state pesticide laws and rules. Seven of the individuals had their licenses suspended for a total of 75 days. Additionally, an applicator from Idaho received a 12-year license suspension for activities involving unlicensed and improper applications and for falsification of records. Fines ranged from \$300 to \$1,300 for violations that included failing to submit application and inspection records as requested, not applying pesticides according to label directions, and allowing a pesticide to drift onto a person or property.

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as termites, carpenter ants or wood rot. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated each year.

To file a complaint involving the misuse of pesticide, or to find out if an applicator is licensed, call (877) 301-4555.

Thomas E. Dent, commercial applicator for Tom Dent Aviation, Moses Lake. WSDA alleged that when Dent applied herbicide to a potato field in August 2001, the spray drifted, damaging an adjacent alfalfa field. The matter was resolved when Dent, without admitting any wrongdoing, agreed to pay the department \$700.

Norman D. Ferguson, commercial applicator for All Pest in Camas, was fined \$500 and his license was suspended for five days. Ferguson did not keep adequate records of pesticide applications or inspections for wood destroying organisms (WDO). He also failed to comply with rules for WDO inspections.

David T. Gardner, commercial applicator for The Gardner's Trust, Inc., Olympia. WSDA alleges that Gardner failed to carry pesticide Material Safety Data Sheets (MSDS) in his vehicles during the summer and fall of 2002. WSDA also alleges that Gardner did not keep sufficient pesticide application records, operated without a valid

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license, and failed to properly store pesticides. The matter was resolved with Gardner agreeing to a nine-day license suspension and a \$700 penalty.

Kyle K. Jacobs, a private applicator from Yakima. WSDA alleges that in April 2002, Jacobs supervised a number of herbicide applications to hops. The applications were made with improper equipment and the spray drifted, causing damage to three adjacent orchards. The matter was resolved with Jacobs agreeing to a 16-day license suspension and a \$1,000 penalty.

Danny Ledoux, formerly a commercial applicator from Moscow, Idaho, received a 12-year license suspension that will become effective after he obtains a WSDA license. In the first half of 2000, Ledoux used unlicensed operators to make hundreds of pesticide applications. He falsified or directed the falsification of 230 pesticide application records, and maintained numerous other inaccurate or incomplete records.

William L. Lott, commercial operator, Farm and Forest Helicopter Service, Inc., Napavine. WSDA alleges that in October 2002, when Lott applied a pesticide to raspberries, the spray drifted onto a residence and a commercial property. The matter was resolved with Lott agreeing to a 13-day license suspension and an \$850 fine.

Efrain G. Sandoval, a private applicator from Omak. WSDA alleges that when Sandoval applied pesticides three times in April and May of 2002, the applications drifted onto an adjacent residence exposing a person. The matter was resolved with Sandoval agreeing to a nine-day license suspension and a \$300 penalty.

John R. Smith, commercial applicator for Paratex American Pest Management, Aberdeen, was fined \$1,300 and his license was suspended for 20 days. In October 2002, Smith conducted a wood destroying organism inspection on a house in Westport, but failed to report extensive damage and evidence of infestation.

Kirk E. Zirker, commercial operator for Windflow Fertilizer, Inc., Mattawa. WSDA alleges that when Zirker applied herbicides in May 2002, the applications drifted, damaging adjacent orchards and vineyards. The matter was resolved with Zirker agreeing to a three-day license suspension and a \$640 penalty.

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